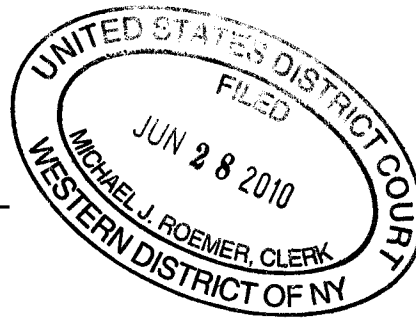


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



-PS-O-

RICHARD KEARNEY, 03A4948,

Plaintiff,

-v-

DECISION AND ORDER
10-CV-6202P

N.Y.S. DOCS; JOHN DOE, Commissioner
of the Department of Correctional Services;
JOSEPH F. HALUSKA, Medical Director of
Southport Correctional Facility; Superintendent
NAPOLI, Southport Correctional Facility and
M. BRIDGE, Deputy Superintendent for
administrative services at Southport Correctional
Facility;

Defendants.

Plaintiff has requested appointment of counsel (Docket # 3). There is insufficient information before the Court at this time to make the necessary assessment of plaintiff's claims under the standards promulgated by *Hendricks v. Coughlin*, 114 F.3d 390, 392 (2d Cir. 1997), and *Hodge v. Police Officers*, 802 F.2d 58 (2d Cir. 1986), as issue has yet to be joined. Therefore plaintiff's motion for appointment of counsel is denied without prejudice at this time. 28 U.S.C. § 1654.

SO ORDERED.

Dated: June 24, 2010
Rochester, New York

Charles J. Siragusa
CHARLES J. SIRAGUSA
United States District Judge